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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,155	01/20/2000	EVGENIY M. GETSIN	IACTP013	4020
22242	7590	01/21/2004	EXAMINER	
FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			SALAD, ABDULLAHI ELM	
		ART UNIT		PAPER NUMBER
		2157		15
DATE MAILED: 01/21/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)
	09/488,155	GETSIN ET AL.
	Examiner	Art Unit
	Salad E Abdullahi	2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 November 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>12,13,14</u> . | 6) <input type="checkbox"/> Other: _____ . |

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Response to Amendment

1. The Amendment filed on 11/3/2003 has been entered and made of record.
2. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al., U.S. Patent No. 6,161,132. in view of Faris et al., U.S. Patent No. 6,659,861.

As per claims 1, 7 and 13, Roberts et al., discloses a system for synchronizing an event on a plurality of client apparatuses, comprising the steps of:

- connecting a plurality of client apparatuses via a network (see fig. 1);
- embedding an application program on a site on the network (see col. 2, lines 5-18);
- requesting information from a server on the network utilizing the application program, wherein the information relates to an event to be played back simultaneously on the client apparatuses (see col. 3, lines 21-46); and
- receiving a script for displaying the information (see col. 4, line 66 to col. 5, line 10).

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Roberts et al., is silent regarding: sending an object (activation signal or start time or triggering event) for allowing an scheduled event (contest, audio or video) to be played back (to start) simultaneously on the client apparatus.

Faris et al., discloses an Internet-based time constraint system for allowing an scheduled event to take place at a predetermined time at same time enabling the clients or participant of the event to register for the event on different times, wherein in response receiving an activation signal (see col. 23, lines 26-60). Furthermore, Faris et al., teaches the purpose of the event is to enable the synchronization of event on all participating client apparatuses while reducing the effect of network bandwidth constraints. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention presented with teaching of Roberts to utilize the event synchronization mechanism as taught by Faris et al., such that time sensitive events can be started simultaneously on plurality participating without delay due to bandwidth constrain of the network.

In considering claims 2, 8 and 14, Roberts disclose a system, wherein the application program is further adapted to send a request to retrieve commands from the server for use with a playback device of one of the client apparatuses (see col. 4, line 1 to col. 5, line 55).

In considering claims 3, 9 and 15 Roberts disclose a system wherein the playback device includes a digital video disc (DVD) player (see col. 2, lines 5-18).

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In considering claims 4, 10 and 16 Roberts disclose a system, wherein the commands are adapted to playback the event on the playback device simultaneous with the playback of the event on the remaining client apparatuses (see col. 4, line 1 to col. 5, line 55).

In considering claim 5, 11 and 17, Roberts disclose a system wherein the command includes a start time when the playback of the event is to begin on each of the client apparatuses (see col. 4, line 1 to col. 5, line 55).

In considering claim 6, 12 and 18, Roberts disclose a system, wherein application program is a JAVA applet and the script is JAVA script (see col 3, line 41-67).

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

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will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

CONCLUSION

6. The prior art made of record and not relied upon is considered pertinent to the applicants disclosure.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abdullahi E. Salad** whose telephone number is **(703) 308-8441**. The examiner can normally be reached on Monday to Friday from **8:30 AM to 5:00 PM**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Etienne, Ario** can be reached at **(703)308-7562**. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is **(703)305-3900**.

Any response to this action should mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to:

(703) 872-9306.

As

1/7/2004



ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100